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UNCLAS ALMATY 002503

SIPDIS

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SENSITIVE

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SUBJECT: DETAINED UZBEK REFUGEE FACING DEPORTATION

1. (SBU) SUMMARY: Concerned about governmental retaliation for his role in reporting on the recent events in Andijon, Uzbek human rights observer Lutfullo Shamsudinov fled with his family to Kazakhstan in late May. UNHCR formally determined on June 24 that Shamsudinov was a bona fide refugee, notified the GOK of its determination, and began resettlement proceedings. Migration Police in Almaty, however, detained the entire family on July 4 pursuant to a law enforcement request from the GOU. Although his family was later released, Shamsudinov remains in detention. UNHCR and Embassy have pressed for Shamsudinov's release, but some local authorities are maintaining that he must be returned to Uzbekistan to face criminal charges. END SUMMARY.

#### BACKGROUND AND TIMELINE

2. (SBU) Lutfullo Shamsudinov, a well-known Uzbek human rights observer who worked in the NGO community and as a contributor for foreign press agencies, fled Uzbekistan and sought refuge in Kazakhstan following the events in Andijon and contacted the UNHCR office in Almaty to request assistance. Through a local human rights NGO, Shamsudinov received a small subsistence grant from International League for Human Rights, which enabled him to obtain temporary lodging for his family of seven. On June 24, Shamsudinov received a UNHCR refugee certificate indicating that he had been determined to be a refugee under the UNHCR mandate and that he and his family were awaiting resettlement.

3. (SBU) Prior to UNHCR's determination, Shamsudinov reached out to press and international contacts to publicize his plight and request assistance. Shamsudinov contacted the Embassy and expressed fear that he and/or his family would be kidnapped by the Uzbek government and forcibly returned to Uzbekistan. UNHCR, Post and other international observers remained in close contact to monitor the situation. On July 4, Migration Police in Almaty detained the family pursuant to a law enforcement bulletin issued by the GOU. Although Shamsudinov's family was released within hours, Shamsudinov remains in custody, and UNHCR has had little success in gaining access to him, much less getting him released.

#### BACK AND FORTH WITH THE GOK

4. (SBU) UNHCR Almaty-based protection officer Narasima Rao told Emboff on July 6 that UNHCR is facing an increasingly hardened front from GOK authorities on Shamsudinov. The state prosecutor handling the case refused Rao's July 5 request for access to Shamsudinov, calling the Uzbek a "terrorist". Rao characterized the prosecutor's tone as "very aggressive." The prosecutor indicated, however, that if the MFA gave the green light, he would release Shamsudinov.

5. (SBU) MFA, however, has proved difficult to pin down. On July 6, UNHCR was unable to reach Deputy Foreign Minister Shakirov, with whom the UNHCR had a hitherto good working relationship. Both Rao and UNHCR Astana field officer Branislav Kojic reported feeling stonewalled by working level contacts, some of whom blamed lack of availability on the July 5-6 Shanghai Cooperation Organization (SCO) Summit in Astana. Interventions by UNHCR in Geneva also yielded little progress. At a July 5 meeting with the UNHCR head for Central Asia, Africa, and the Middle East, the Kazakhstani Head of the Permanent Mission to the UN in Geneva said that while Kazakhstan would not deport refugees, authorities were free to send "terrorists" back at the request of neighboring countries.

6. (SBU) Rao was surprised at Kazakhstan's detention of Shamsudinov. He said that at a June 29 meeting with Cesare Dubon, the UNHCR chief for Central Asia, DFM Shakirov reacted positively, if guardedly, to a suggestion that the GOK play a leading role in the refugee crisis, including setting up a "humanitarian corridor". Although the GOK has been reluctant to pass a Refugee Law to formalize commitments to international standards of protection, the country does not have a history of forcibly deporting refugees back to the country they fled.

17. (SBU) Rao asserted that the next twenty-four to forty eight hours are crucial for Shamsudinov. If not released in that time, he believes Shamsudinov would most likely be deported back to Uzbekistan. UNHCR is hoping that the GOK will release Shamsudinov on the condition that he leaves the country almost immediately thereafter.

POST ACTION

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18. (SBU) Since Shamsudinov contacted us on the night of his detention, July 4th, we have been in closely monitoring the situation. EmbOffs in Almaty and Astana have been coordinating with their UNHCR counterparts, as well as contacts at IOM, OSCE, local NGOs, and other Embassies. On June 30, Astana Principal Officer demarched MFA's Director for Economic and Humanitarian Cooperation Akan Rakhmetulin, to express strong USG support for UNHCR's request that Kazakhstan accept refugees from neighboring countries pursuant to UNHCR resettlement proceedings. Based on concerns about the Shamsudinov case, Astana PO delivered a non-paper on July 5 to MFA Chief of Department of Americas and Europe Jandos Asanov, requesting that the GOK extend all appropriate rights and protections to Shamsudinov based on his formal refugee status. MFA remained noncommittal during both exchanges, although Asanov acknowledged the serious nature of Shamsudinov's case.

19. (SBU) Ambassador's attempt to reach FM Tokayev were rebuffed on July 5th and 6th on grounds that the Minister was busy with the President and could not speak to the Ambassador by telephone. The Ambassador did manage to reach Presidential Assistant Karim Masimov who promised to look into the matter and get back to him. Questions were also raised at the Ambassador's regularly scheduled press conference earlier on July 6th, allowing him to express publicly our concern and make clear the GOK's obligation not to return Shamsudinov to Uzbekistan.

COMMENT

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110. (SBU) Karimov's presence in Astana for the SCO meeting may have played a role in the decision to detain Shamsudinov. Privately, Kazakhstani officials have been scathing about his rule in Uzbekistan. However, President Nazarbayev's approving comments on the eve of the SCO about the approach the GOU took in Andijon signaled a far more accommodating line towards Karimov. Shamsudinov may be an unfortunate victim of this approach unless the GOK can be convinced that the damage to their international reputation, and interests ranging from U.S. certification to their campaign for the OSCE Chairmanship-in-office, are a price too high to pay for approving Karimov.

111. (U) Minimize for Dushanbe considered.

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